APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff/Appellee, v. GREGORY SHELDON EWING, KENT PATRICK EWING, JOHN EDWARD JACKSON, Defendants/Appellants.	Nos. 82-1105 82-1106 82-1107 DC No.: CR 81-1025-1 81-1025-2 81-1025-3 TJH MEMORANDUM

4. The Defendants were not entitled to the identity of the informant. United States vs. Marshall, 526 F.2d 1349 (9th Circuit) cert denied 426 U.S. 923 (1975).

5. Defendants have offered no authority for their contention that the Government must have probable cause to initiate a criminal investigation, and we reject the proposition. We note, however, that the reason the Government began its investigation of the Ewings was that special

agent Scotti had information that the Ewings had been involved in narcotics transactions.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

THE HONORABLE TERRY J. HATTER, JR.
JUDGE PRESIDING

UNITED STATES OF AMERICA, Plaintiff, v. GREGORY SHELDON EWING, KENT PATRICK EWING and JOHN EDWARD JACKSON, Defendants.	No. CR 81-1025-TJH

REPORTER'S TRANSCRIPT OF PROCEEDINGS

"...Even where I previously declined to even bother to state, it seemed to me that you should realize that, and on balance, it appears to me that the public interest does

take precedence over your need to know, because in looking at these items I can make the determination, at least, that there is no basis for your having them, that your defense would not be aided".

"However, the interest of the Government in protecting its informants or those who provide it with information would be severely harmed."

THE COURT: "Anything further with regard to the motion to disclose the identity of the informant or informants?

MR. WEBER: "No your Honor. "I believe I will submit it on the pleadings".

THE COURT: "All right". "Find". "The motion is denied".

APPENDIX C

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JUDGE PRESIDING

UNITED STATES OF AMERICA, Plaintiff, v. GREGORY SHELDON EWING, KENT PATRICK EWING and JOHN EDWARD JACKSON, Defendants.	)	No. CR 81-1025-TJH

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Q: "Under what circumstances was Mr. Ewing's name set forth in NADDIS"?

A: "Under what circumstances question are you asking me what the NADDIS reports said"?

Q: "Yes".

A: "It listed Kent Ewing, other identifying data, also related to him to identify the individual".

"It listed the fact that Kent Ewing has either called and/or been called by several known high-level narcotic dealers."

Q: "Have you finished answering the question"?

A: "You asked me what the nature of the NADDIS information was that I withdrew from the machine on Kent Ewing"?

Q: "Correct".

A: "The nature of that information was that Kent Ewing's name had appeared on telephone toll record information from individuals, he had either called and/or was called by high-level narcotic dealers".